

## Standards Hearings Sub-Committee 7 February 2011

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## **Buckinghamshire County Council**

### **Standards Committee**

#### **Decision Notice in respect of Councillor Lidgate**

Standards Hearings Sub-Committee Meeting held on  
Monday 7 February 2011 and Tuesday 8 February 2011

**Subject Member:**

Councillor Bill Lidgate

**Representative:**

Dianne Cranmer

**Complainants:**

Councillor Ruth Vigor-Hedderly  
Rebecca Carley  
Stephen Young

**Independent Investigator:**

David Lunn, OBE, LLB (Hons)

**Members on the Hearings Sub-Committee:**

Martin Rowe, Chairman, Independent Member  
Margaret Aston, Member  
Julia Wassell, Member  
Chris Fogden, Independent Member

**Legal Adviser to the Hearings Sub-Committee:**

Peter Keith-Lucas, Partner, Bevan Brittan LLP

**Officers present:**

Clive Parker, Deputy Monitoring Officer  
Liz Wheaton, Democratic Services Officer  
Sharon Griffin, Democratic Services Assistant

# **Full Written Decision**

## **Summary of Complaint One**

**Complaint Reference: 009/RVH**

**Subject Member: Councillor Lidgate**

**Complainant: Councillor Vigor-Hedderly**

- 1) On the 21<sup>st</sup> January 2010 Councillor Ruth Vigor-Hedderly, a Member of Buckinghamshire County Council submitted a formal complaint to Anne Davies, Head of Legal and Democratic Services and Monitoring Officer, against Councillor Bill Lidgate, a Member of Buckinghamshire County Council asking that it be referred for formal consideration to the County Council's Standards Committee.
- 2) The nature of the complaint was that Councillor Lidgate had bullied, threatened and abused her both verbally and by emails, many of which had been circulated to other Parish, District or County Councillors, and that by his conduct he had brought the County Council and his office as County Councillor into disrepute.
- 3) She also complained about Councillor Lidgate's behaviour towards County Council Officers at the Iver Parish Council Meeting on 4<sup>th</sup> January 2010, which has also been the subject of 2 separate complaints from the officers in question.

## **The Referrals Sub-Committee**

- 4) Under the procedure adopted by Buckinghamshire County Council, the complaint was considered by the Referrals Sub-Committee, set up by

Buckinghamshire Standards Committee, at a meeting on 5<sup>th</sup> February 2010.

- 5) The Referrals Sub-Committee decided that the allegation warranted further investigation and therefore referred the matter to the Monitoring Officer (Head of Legal and Democratic Services) for full investigation.

## **Summary of Complaint Two**

**Complaint Reference: 010/RC**

**Subject Member: Councillor Lidgate**

**Complainant: Rebecca Carley (Localities Services Manager)**

- 1) On the 25<sup>th</sup> January 2010, Rebecca Carley, Localities Services Manager in the Department of Communities and Built Environment of Buckinghamshire County Council, submitted a formal complaint to Anne Davies Head of Legal and Democratic Services and Monitoring Officer, against Councillor Bill Lidgate, a Member of Buckinghamshire County Council, asking for it to be formally considered by the County Council's Standards Committee.
- 2) The principal nature of the complaint was that at a public meeting of the Iver Parish Council on the 4<sup>th</sup> January 2010, to which she had been officially invited to explain County Council policy and answer questions to assist the Parish Council to determine whether or not to participate in the formation of a Local Area Forum as part of the implementation of the County Council's Locality Strategy, Councillor Lidgate, who is also an Iver Parish Councillor, spoke and behaved in an inappropriate manner towards her, as a Member of the County Council's staff. More specifically:-

- Significantly misrepresented the County Council's actions and intent in respect of the County Council's Locality Strategy;
- Described her, and her colleague Stephen Young, as 'part of the problem' therefore not treating them with the respect to which they are entitled under the Council's adopted Code of Conduct; and
- Compromised both her position to do her job, and his own position as a public servant.

### **The Referrals Sub-Committee**

- 3) Under the procedure adopted by Buckinghamshire County Council, the complaint was considered by the Referrals Sub-Committee, set up by Buckinghamshire Standards Committee, at a meeting on 5<sup>th</sup> February 2010.
- 4) The Referrals Sub-Committee decided that the allegation warranted further investigation and therefore referred the matter to the Monitoring Officer (Head of Legal and Democratic Services) for full investigation.

### **Summary of Complaint Three**

**Complaint Reference: 011/SY**

**Subject Member: Councillor Lidgate**

**Complainant: Stephen Young (Area Co-ordinator for Localities Services)**

- 1) On the 26<sup>th</sup> January 2010 Stephen Young, an Area Co-ordinator for Locality Services in the Department of Communities and Built Environment of Buckinghamshire County Council, submitted a formal complaint to Anne Davies, Head of Legal and Democratic Services and Monitoring Officer, against Councillor Bill Lidgate, a Member of

Buckinghamshire County Council, asking for it to be formally considered by the County Council's Standards Committee.

2) The principal nature of the complaint was that at a public meeting of the Iver Parish council on the 4<sup>th</sup> January 2010, to which he had been officially invited to make a presentation to assist the parish Council to determine whether or not to participate in the formation of a Local Area Forum as part of the implementation of the County Councils locality strategy, Councillor Lidgate, who is also an Iver Parish Council Councillor, spoke and behaved in an inappropriate manner towards him as a member of the County Council's staff. More specifically he claimed that Councillor Lidgate:-

- Called into question without substantiation the integrity and reputation of the County Council and its Executive in relation to the proper conduct of business.
- Undermined his capacity as an officer of the County Council to carry out properly formally agreed policies and strategies.
- Made a public statement that he and his colleague, Rebecca Carley, are part of the problem 'which he believes calls into question his capability, integrity and objectivity as an officer of the Council.

3) Mr Young made a further complaint about an email sent to him by Councillor Lidgate, and a corridor conversation with Councillor Lidgate, both of which he perceived to be intimidating.

### **The Referrals Sub-Committee**

- 4) Under the procedure adopted by Buckinghamshire County Council, the complaint was considered by the Referrals Sub-Committee, set up by Buckinghamshire Standards Committee, at a meeting on 5<sup>th</sup> February 2010.
  
- 5) The Referrals Sub-Committee decided that the allegation warranted further investigation and therefore referred the matter to the Monitoring Officer (Head of Legal and Democratic Services) for full investigation.



## **Summary of the Evidence considered**

Members of the Hearings Sub-Committee considered the following written evidence prior to the meeting:

- The report of the Investigating Officer, David Lunn, on behalf of the Monitoring Officer, which included the following background papers:
  - Decision Notice of the Referrals Sub-Committee held on 5 February;
  - Minutes of the Referrals Sub-Committee held on 12 November 2010;
  - Investigator's report – complaint ref 009/RVH;
  - Investigator's report – complaint ref: 010/RC;
  - Investigator's report – complaint 011/SY;
  - Pre-hearing forms completed by Councillor Bill Lidgate; and
  - Response by David Lunn to the pre-hearing forms.

Prior to the hearing, the Chairman of the Hearings Sub-Committee directed that each party would be limited to 6 witnesses at the hearing.

## **Summary of the Representations made**

### **Witnesses called by David Lunn**

David Lunn presented his report and called the following witnesses -

1. Stephen Young

2. Rebecca Carley
3. Ruth Vigor-Hedderly
4. Lin Hazell
5. Ravi Gidar
6. Malcolm Bradford

**Witnesses called by Dianne Cranmer, representing Councillor Bill Lidgate:**

Dianne Cranmer made an opening statement and introduced the following witnesses

1. Mark Averill
2. Julian Wilson
3. Claire Mowat
4. Councillor Bill Lidgate
5. Peter Hardy
6. Adrian Busby

**Decision on Complaint One**

**Complaint Reference: 009/RVH**  
**Subject Member: Councillor Lidgate**  
**Complainant: Councillor Vigor-Hedderly**

**Findings of Fact**

The Hearings Sub-Committee is satisfied that Councillor Lidgate was acting in his role as a County Councillor on all occasions when the alleged conduct took place. At the meeting of the Iver Parish Council on 4<sup>th</sup> January 2010, he was also acting in his capacity as a Parish Councillor and as a District Councillor, but the Hearings Sub-Committee found that these capacities were not mutually exclusive.

The Sub-Committee considered the context in which the alleged conduct took place, including:

- The conduct of Councillor Lidgate at a meeting of Iver Parish Council on 4<sup>th</sup> January 2010;
- Other events and conduct that occurred leading up to the meeting of on the 4<sup>th</sup> January 2010;
- The related complaints from Stephen Young and Rebecca Carley;
- Whether Councillor Lidgate had seniority and influence capable of intimidating and threatening Councillor Lidgate;
- Whether a conversation took place on the steps of Judges's Lodgings between Councillor Lidgate and Councillor Vigor Hedderly where Councillor Lidgate was alleged to have raised a threat of deselection; and
- Backdrop of the ongoing email correspondence from Councillor Lidgate to Councillor Vigor Hedderly.

The Sub-Committee found as a matter of fact, on the balance of evidence, that a conversation on Judges's Lodgings took place on or around the 29<sup>th</sup> November 2009, broadly as recorded by Councillor Vigor-Hedderly and that it included a direct threat to secure her de-selection if she sought to try to form a

Local Area Forum. This conversation raised the threat of de-selection which, when considered alongside evidence of Councillor Lidgate's influence within the Conservative Party, and despite his lack of formal office, was a real threat.

Councillor Lidgate had perceived influence within the Conservative Party for Councillor Vigor-Hedderly to have a real threat of de-selection.

The Hearings Sub-Committee found that the email exchange was accurately reflected in the text of the emails as provided, and that the events of the meeting of 4<sup>th</sup> January were as reported by the officers and by Councillor Vigor-Hedderly.

The Hearings Sub-Committee found that the motivation of using such unreasonable pressure was to deter Councillor Vigor-Hedderly from progressing Local Area Forums.

The Hearings Sub-Committee further considered whether Councillor Lidgate had accurately represented the position and policy of the County Council on Local Area Forums at the meeting of 4<sup>th</sup> January. It concluded that as a matter of fact, he had reported its position and policy inaccurately, and that the reason for this was partly a failure on his part to understand that position and policy and partly a desire to misrepresent it.

### **Conclusions as to Breach of the Code of Conduct**

The Hearings Sub-Committee concluded that Councillor Lidgate's conduct towards Councillor Vigor-Hedderly on the stairs of the Judge's Lodgings was an unreasonable threat and amounted to a failure to treat her with respect, contrary to Paragraph 3(1) of the Code of Conduct.

The Hearings Sub-Committee considered the exchange of emails between Councillor Lidgate and Councillor Vigor-Hedderly and concluded that this had to be interpreted as a continuation of the Councillor Lidgate's threat to secure her de-selection, and so constituted a failure to treat with respect.

The Hearings Committee then considered Councillor Lidgate's conduct toward Councillor Vigor-Hedderly at the meeting on 4<sup>th</sup> January 2010, but took the view that his conduct towards her on this occasion was robust, but did not of itself amount to a failure to treat with respect.

Taking Councillor Lidgate's overall course of conduct toward Councillor Vigor-Hedderly, the Hearings Sub-Committee concluded that taken as a whole, as a course of conduct comprising the making of a credible and unreasonable threat intended to cause her to behave in, or desist from behaving in, a particular manner, it did amount to bullying, contrary to Paragraph 3(2)(b) of the Code of Conduct

The Hearings Sub-Committee also concluded that Councillor Lidgate's misrepresentation of the County Council's position and policy on Local Area Forums did not bring his office or authority into disrepute, and so did not amount to a breach of Paragraph 4 of the Code of Conduct

**Complaint Reference: 010/RC**

**Subject Member: Councillor Lidgate**

**Complainant: Rebecca Carley (Localities Services Manager)**

The Sub-Committee considered the context in which the alleged conduct took place, including:

- The conduct of Councillor Lidgate at a meeting of Iver Parish Council on 4<sup>th</sup> January 2010;
- The related complaints from Stephen Young and Councillor Vigor-Hedderly;
- The remark of the officer being "part of the problem"; and

- Councillor Lidgate's manner at the meeting including whether he spoke over her which prevented her from correcting her perceived inaccuracies of County Council policy.

### **Findings of Fact**

The Hearings Sub-Committee found that at the meeting of Iver Parish Council on the 4<sup>th</sup> January, Rebecca Carley was present as an invited speaker in her capacity as an officer of the County Council. Councillor Lidgate was acting in his capacity as a County Councillor and was forceful in tone and body language, talked over and interrupted Rebecca Carley's initial statement, interrupted Rebecca Carley when she sought to respond to him and correct mis-statements which he had made, and spoke over her so as to prevent her from speaking. He referred to Rebecca Carley and Stephen Young as "part of the problem", but failed to qualify this statement so that it appeared to the other persons present as a general derogatory comment, suggesting that the officers were in conspiracy with others to foist a Local Area Forum against the best interests of the locality, rather than indicating that his comments were limited to the issue of the cost of their employment. The Hearings Sub-Committee also found that these remarks took place in a meeting which, whilst not open to the general public, contained a significant number of local Parish, District and County Councils and members of the public, whose respect was of importance to Rebecca Carley

On the balance of evidence that Hearings Sub-Committee concluded that Councillor Lidgate's conduct towards Rebecca Carley was unreasonable and over-bearing.

### **Conclusions as to Breach of the Code of Conduct**

The Hearings Sub-Committee concluded that Councillor Lidgate's conduct towards Rebecca Carley failed to treat her with respect, dignity and courtesy, as required by the County Council's Member Officer Relations Protocol. He sought to prevent her from properly discharging her responsibilities as an

officer of the County Council. He unreasonably sought to diminish her credibility in the eyes of the audience at the meeting.

Accordingly, his conduct amounted to a failure to treat her with respect.

However, having regard to this as a single incident rather than a course of conduct, it did not amount to bullying.

**Complaint Reference: 011/SY**

**Subject Member: Councillor Lidgate**

**Complainant: Stephen Young (Area Co-ordinator for Localities Services)**

The Sub-Committee considered the context in which the alleged conduct took place, including:

- The conduct of Councillor Lidgate at a meeting of Iver Parish Council on 4<sup>th</sup> January 2010;
- Other events and conduct that occurred leading up to the meeting of on the 4<sup>th</sup> January 2010.; and
- The related complaints from Councillor Vigor-Hedderly and Rebecca Carley;

### **Findings of Fact**

The Hearings Sub-Committee found that in all the events referred to in this complaint, Councillor Lidgate was acting in his capacity as a County Councillor.

The Hearings Sub-Committee found that, as set out in the complaint, a corridor conversation between Councillor Lidgate and Stephen Young took place in which Stephen Young was made to feel that "his card was marked", and that Councillor Lidgate had the intention of making Steven Young feel

constrained in the discharge of his functions in respect of establishing a Local Area Forum for Iver. Specifically, the Hearings Sub-Committee considered that it was unreasonable for Councillor Lidgate to suggest that it was Stephen Young's responsibility to sort out the political issues relating to the establishment of a Local Area Forum in Iver, and that this was a statement by Councillor Lidgate that, unless Stephen Young acted in accordance with Councillor Lidgate's wishes on this issue, he would not be able to make any progress.

The Hearings Sub-Committee found at the meeting of Iver Parish Council on 4<sup>th</sup> January 2010, Stephen Young was present as an invited speaker in his capacity as an officer of the County Council. Councillor Lidgate talked over Stephen Young (and Rebecca Carley) when they spoke to the meeting and at times he was not allowed to finish his point. He referred to Rebecca Carley and Stephen Young as "part of the problem", but failed to qualify this statement so that it appeared to the other persons present as a general derogatory comment, suggesting that the officers were in conspiracy with others to foist a Local Area Forum against the best interests of the locality, rather than indicating that his comments were limited to the issue of the cost of their employment. The Hearings Sub-Committee also found that these remarks took place in a meeting which, whilst not open to the general public, contained a significant number of local Parish, District and County Councils and members of the public, whose respect was of importance to Stephen Young

On the balance of evidence that Hearings Sub-Committee concluded that Councillor Lidgate's conduct towards Stephen Young was unreasonable and over-bearing.

The Hearings Sub-Committee also concluded that this must be seen as part of a course of conduct with the "corridor conversation" in which Councillor Lidgate intended to constrain Stephen Young in the proper conduct of his functions as an employee of the County Council



## **Conclusions as to Breach of the Code of Conduct**

The Hearings Sub-Committee concluded that Councillor Lidgate's conduct towards Stephen Young failed to treat him with respect, dignity and courtesy, as required by the County Council's Member Officer Relations Protocol. He sought to prevent him from properly discharging her responsibilities as an officer of the County Council. He unreasonably sought to diminish his credibility in the eyes of the audience at the meeting.

Accordingly, his conduct in the "corridor conversation" and at the Parish Council meeting amounted to a failure to treat him with respect.

These incidents must be regarded as a course of conduct, and as such amounted to an unreasonable threat to obstruct Stephen Young in the course of his employment, and an attempt to intimidate and undermine him at the meeting, and taken together amounted to bullying.

## **Decision**

**Complaint Reference: 009/RVH**  
**Subject Member: Councillor Lidgate**  
**Complainant: Councillor Vigor-Hedderly**

The Hearings Sub-Committee found that:

1. Councillor Lidgate failed to treat Councillor Vigor-Hedderly with respect (contrary to paragraph 3(i) of The Code of Conduct);
2. Councillor Lidgate's conduct satisfied the definition of bullying (as defined in paragraph 3(ii) of The Code of Conduct); and that
3. Councillor Lidgate's conduct was not likely to bring his office or authority into disrepute (as defined in paragraph 5 of The Code of Conduct).

**Complaint Reference: 010/RC**

**Subject Member: Councillor Lidgate**  
**Complainant: Rebecca Carley (Localities Services Manager)**

The Hearings Sub-Committee found that:

1. Councillor Lidgate failed to treat Rebecca Carley with respect (contrary to paragraph 3(i) of The Code of Conduct);
2. Councillor Lidgate's conduct towards Rebecca Carley did not satisfy the definition of bullying (as defined in paragraph 3(ii) of The Code of Conduct); and
3. Councillor Lidgate's conduct towards Rebecca Carley was not likely to bring his office or authority into disrepute (as defined in paragraph 5 of The Code of Conduct).

**Complaint Reference: 011/SY**  
**Subject Member: Councillor Lidgate**  
**Complainant: Stephen Young (Area Co-ordinator for Localities Services)**

The Hearings Sub-Committee found that:

1. Councillor Lidgate failed to treat Stephen Young with respect (contrary to paragraph 3(i) of The Code of Conduct);
2. Councillor Lidgate's conduct satisfied the definition of bullying (as defined in paragraph 3(ii) of The Code of Conduct); and that
3. Councillor Lidgate's conduct towards Stephen Young was not likely to bring his office or authority into disrepute (as defined in paragraph 5 of The Code of Conduct).

## **Sanctions**

The Hearings Sub-Committee heard representations from David Lunn. Dianne Cranmer declined to make representations on behalf of Councillor Lidgate.

The Hearings Sub-Committee agreed to the following sanctions being imposed on Councillor Bill Lidgate, covering the breaches of the code of conduct in aggregate:

- a reprimand for unacceptable conduct toward all there complainants;  
and
- suspension as a Buckinghamshire County Councillor for 28 days as of the date of the findings of the Hearing Sub-Committee (8 February 2011).

### **Right to Appeal**

Councillor Lidgate may appeal against the decision of the Hearings Sub-Committee by writing to the President of the Adjudication Referrals Sub-Committee for England, ensuring that his letter sets out the grounds for such an appeal, includes a statement as to whether or not he consents to the appeal being heard by way of written representations, and is received by the President within 21 days of the Member's receipt of this written notice of decision under Paragraph 11(c).

Anne Davies

Monitoring Officer

Buckinghamshire County Council

22<sup>nd</sup> February 2011.

